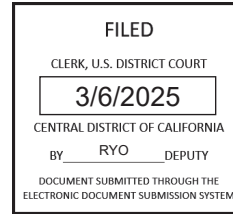


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**UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

TODD R. G. HILL, et al,

Plaintiffs

vs.

**THE BOARD OF DIRECTORS,
OFFICERS AND AGENTS AND
INDIVIDUALS OF THE PEOPLES
COLLEGE OF LAW, et al.,**

Defendants.

CIVIL ACTION NO. 2:23-cv-01298-CV-BFM

The Hon. Cynthia Valenzuela
Courtroom 5D, 5th Floor

Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

**PLAINTIFF'S OPPOSITION TO STATE BAR
DEFENDANTS' FILING (DOCKET 230) AND
REQUEST FOR CORRECTIVE RELIEF**

NO ORAL ARGUMENT REQUESTED

**PLAINTIFF'S OPPOSITION TO STATE BAR DEFENDANTS' FILING (DOCKET 230) AND REQUEST FOR
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1 *Verizon Md. v. Pub. Serv. Comm’n*, 535 U.S. 635, 645 (2002) 3, 6

2 **Rules**

3 Federal Rule of Evidence 12(b)(6)..... 7

28 **PLAINTIFF’S OPPOSITION TO STATE BAR DEFENDANTS’ FILING (DOCKET 230) AND REQUEST FOR
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**PLAINTIFF’S RESPONSE TO STATE BAR RESPONSE TO REPORT OBJECTIONS
(DOCKET 230)**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT Plaintiff Todd R. G. Hill submits this response to the State Bar Defendants’ Response to Plaintiff’s Objections to the Magistrate Judge’s Interim Report and Recommendation (Docket 230). The State Bar’s March 6, 2025, filing is procedurally defective and substantively flawed, relying on misapplications of law and omissions that distort the record. Its failure to adhere to fundamental legal standards and properly engage with Plaintiff’s arguments underscores a broader pattern of procedural evasion. Accordingly, Plaintiff requests that the Court reject the State Bar’s response in its entirety and give due consideration to the unrefuted evidence and legal authorities supporting Plaintiff’s position.

Defendants’ chronic procedural non-compliance is not mere oversight—it is a deliberate litigation strategy to obstruct Plaintiff’s access to a fair adjudication. See *Foman v. Davis*, 371 U.S. 178, 182 (1962) (‘[O]utright refusal to grant leave without any justifying reason... [is] an abuse of discretion and inconsistent with the spirit of the federal rules.’). Their untimely filing further compounds this pattern and should weigh against Defendants’ credibility before this Court.

Defendants misapply Eleventh Amendment principles by conflating discretionary administrative actions with judicial immunity. However, in *Verizon Md. v. Pub. Serv. Comm’n*, 535 U.S. 635, 645 (2002), the Supreme Court expressly rejected sovereign immunity for regulatory bodies failing to comply with federal law. The State Bar’s failure to enforce accreditation standards

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1 constitutes an ongoing violation, precisely the kind of prospective relief permitted under *Ex parte*
2 *Young*.
3

4 Allowing procedural evasion to dictate judicial outcomes sets a dangerous precedent wherein
5 institutional affiliation—rather than legal merit—dictates case outcomes. *Mathews v. Eldridge*, 424
6 U.S. 319, 335 (1976) emphasizes that ‘due process requires an opportunity to present every available
7 defense.’ The State Bar’s strategy seeks to deprive Plaintiff of this fundamental right.
8
9

10 This case is not solely about Plaintiff—it concerns the integrity of the legal profession and the
11 protection of prospective law students. Courts have a vested interest in ensuring regulatory agencies
12 fulfill their statutory obligations. See *Texas Dep’t of Housing v. Inclusive Communities Project*, 576
13 U.S. 519 (2015) (recognizing disparate impact in regulatory enforcement failures). The State Bar’s
14 refusal to enforce accreditation standards has systemic consequences that extend beyond this
15 litigation.
16
17

18 **MEMORANDUM OF POINTS AND AUTHORITIES**

19 **I. PROCEDURAL DEFECTS IN THE STATE BAR’S FILING**

20 **A. UNTIMELINESS OF FILING**

21 Given the procedural history, this filing appears to have been submitted outside of the appropriate
22 response window, further evidencing a pattern of delay tactics and procedural noncompliance.
23
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1 Plaintiff requests that the Court take note of this continued pattern of late filings when considering
2 the credibility of the Defendants' arguments.
3

4 The State Bar filed its response on March 6, 2025 (See Docket 230), several weeks after Plaintiff
5 filed his objections on February 14, 2025 (at Docket 217). This substantial delay is unjustified under
6 the applicable response deadlines and constitutes procedural gamesmanship.
7

8 Defendants' pattern of procedural non-compliance extends beyond mere delay; it constitutes a
9 deliberate effort to obstruct case progression in a manner inconsistent with judicial efficiency and
10 fairness. Courts routinely reject such strategic evasions. See *Foman v. Davis*, 371 U.S. 178, 182
11 (1962) ('[O]utright refusal to grant the leave without any justifying reason... [is] an abuse of
12 discretion and inconsistent with the spirit of the federal rules.'). Given Defendants' established record
13 of evasion and procedural deflection, the Court should construe all ambiguities in Plaintiff's favor
14 and recognize that Defendants' strategy is one of attrition rather than substantive legal defense.
15 Because of the importance of the issues raised, the Court should not reward the State Bar's tactical
16 delay.
17
18

19 **B. FAILURE TO ADDRESS UNRULED JUDICIAL NOTICE REQUESTS (DOCKETS**
20 **197 & 199)**

21 The State Bar continues to ignore the fact that Dockets 197 & 199 remain unresolved (See Docket
22 217). The failure to adjudicate these unopposed motions deprives Plaintiff of critical evidentiary
23 material and prevents a full and fair adjudication of the case. The State Bar's response does not
24 address this procedural irregularity, demonstrating its reliance on judicial inaction rather than
25 substantive defense.
26
27

28 **PLAINTIFF'S OPPOSITION TO STATE BAR DEFENDANTS' FILING (DOCKET 230) AND REQUEST FOR**
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1 **II. SUBSTANTIVE ERRORS AND MISREPRESENTATIONS**

2 **A. MISAPPLICATION OF ELEVENTH AMENDMENT IMMUNITY**

3
4 The State Bar asserts Eleventh Amendment immunity as an absolute bar to Plaintiff's claims (See
5 Docket 230). However, this argument misapplies *Ex parte Young*, which permits prospective relief
6 against state officials for ongoing violations of federal law. Plaintiff has already established that the
7 State Bar's regulatory failures remain ongoing, and its violations of procedural due process continue
8 to harm students and litigants (See Docket 217). The State Bar's failure to meaningfully address this
9 doctrine reflects its reliance on procedural avoidance rather than substantive legal argument.
10

11
12 The State Bar seeks to shield itself from suit by mischaracterizing its regulatory role as 'judicial'
13 rather than 'administrative.' This distinction is legally dispositive. *Verizon Md., Inc. v. Pub. Serv.*
14 *Comm'n of Md.*, 535 U.S. 635, 645 (2002) held that state regulatory entities performing enforcement
15 functions are not shielded by sovereign immunity when failing to comply with federal law. The
16 failure to enforce accreditation compliance standards constitutes an ongoing violation of federal
17 law—which is precisely what *Ex parte Young*, 209 U.S. 123 (1908) was designed to address.
18 The State Bar continues to assert Eleventh Amendment immunity, despite well-established precedent
19 under *Ex parte Young* that allows suits against state officials for ongoing violations of federal law.
20 The Defendants mischaracterize Plaintiff's claims as purely retrospective; however:
21
22

- 23
24 a. Plaintiff seeks prospective injunctive relief to remedy the State Bar's ongoing failure to
25 enforce accreditation standards for law schools, which continues to impact students and the
26 public.
27

28 **PLAINTIFF'S OPPOSITION TO STATE BAR DEFENDANTS' FILING (DOCKET 230) AND REQUEST FOR
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1 b. The State Bar’s regulatory failures, as has been judicially noticed, did not cease in 2024; the
2 institution remains an active regulatory body whose actions (or inactions) directly affect
3 future law students and legal education oversight.
4

5 c. The State Bar conflates its quasi-judicial role with discretionary regulatory functions, which
6 are not shielded by absolute immunity (See Docket 217 and Docket 230).
7

8 The Supreme Court has made clear that sovereign immunity does not apply where a regulatory
9 agency acts beyond its lawful authority. Here, the State Bar has failed to perform its statutory
10 obligations under California Business and Professions Code § 6086.1, which is an ongoing violation.
11

12 At the very least, this is a question of fact, requiring further development of the factual record.
13

14 Plaintiff requests that the Court reject the State Bar’s improper invocation of Eleventh Amendment
15 immunity and apply *Ex parte Young* correctly to allow the claims for injunctive and declaratory relief
16 to proceed.
17

18 **B. IMPROPER JUDICIAL FACT-FINDING AT THE MOTION-TO-DISMISS STAGE**

19 The Magistrate Judge improperly weighed facts in favor of the State Bar in recommending
20 dismissal (See Docket 217). The State Bar attempts to justify this departure from Federal Rule of
21 Evidence 12(b)(6) standards, arguing that no discovery is needed to determine immunity (See Docket
22 230). However, factual disputes exist regarding the State Bar’s regulatory failures and the nature of
23 the related activities, and the Court should not resolve these disputes at this stage.
24
25
26
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PLAINTIFF’S OPPOSITION TO STATE BAR DEFENDANTS’ FILING (DOCKET 230) AND REQUEST FOR CORRECTIVE RELIEF

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1 The Magistrate Judge’s reliance on disputed facts at the motion-to-dismiss stage contradicts
2 Supreme Court precedent requiring courts to accept Plaintiff’s allegations as true. See *Bell Atl. Corp.*
3 *v. Twombly*, 550 U.S. 544 (2007).
4

5 Plaintiff requests that the Court reject improper factual determinations and order discovery on the
6 full extent of the State Bar’s accreditation failures.
7

8 **C. MISREPRESENTATION OF JUDICIAL NOTICE ISSUES**

9

10 The State Bar argues that the Magistrate properly exercised discretion in partially denying judicial
11 notice. However, Plaintiff’s unopposed requests for judicial notice (Dockets 197 & 199) were not
12 ruled upon, creating an incomplete factual record (See Docket 217).
13

14 Under Federal Rule of Evidence 201, courts are required to rule on judicial notice requests,
15 particularly where they are unopposed and pertain to matters of public record.

16 By failing to rule on unopposed judicial notice requests (Dockets 197 & 199), the Magistrate has
17 introduced an incomplete factual record that materially prejudices Plaintiff’s ability to litigate claims
18 on equal footing. See *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988 (9th Cir. 2018) (‘[A] court
19 must consider the full evidentiary record before ruling on the sufficiency of pleadings.’). Courts have
20 held that judicial economy is best served by resolving notice issues first, ensuring that adjudications
21 are based on a full, rather than selective, evidentiary record.
22
23

24 The State Bar’s argument that Plaintiff “failed to identify specific facts appropriate for judicial
25 notice” is disingenuous. Plaintiff has provided:
26

- 27 a. Legislative records

28 **PLAINTIFF’S OPPOSITION TO STATE BAR DEFENDANTS’ FILING (DOCKET 230) AND REQUEST FOR CORRECTIVE RELIEF**

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1 b. State Bar internal documents

2
3 c. Accreditation-related correspondence

4 These materials are unquestionably public records and fit squarely within Rule 201(b). By
5 refusing to rule on Dockets 197 & 199, the Magistrate deprived Plaintiff of a full and fair
6 adjudication.
7

8
9 Plaintiff requests that the Court formally rule on judicial notice to prevent further procedural
10 irregularities.

11 The State Bar mischaracterizes Plaintiff's judicial notice requests as properly ruled upon, ignoring
12 that multiple motions remain pending (See Docket 230). The Magistrate's failure to rule on Dockets
13 197 & 199 constitutes an omission that materially prejudices Plaintiff. Rather than acknowledging
14 this procedural defect, the State Bar attempts to obscure it.
15

16
17 **D. OPPOSITION TO CASE MANAGEMENT CONFERENCE DEMONSTRATES**
18 **PROCEDURAL AVOIDANCE**

19 The State Bar's refusal to engage in a Case Management Conference (CMC) suggests they are
20 evading structured discovery obligations.
21

22 Defendants' refusal to engage in good-faith case management procedures aligns with their
23 broader obstructionist strategy. Courts routinely sanction such behavior under *Roadway Express, Inc.*
24 *v. Piper*, 447 U.S. 752 (1980), holding that 'bad faith litigation tactics designed to delay judicial
25 proceedings justify judicial intervention and corrective action.' The Court should therefore order a
26 Case Management Conference sua sponte to curtail continued procedural abuse.
27

28 **PLAINTIFF'S OPPOSITION TO STATE BAR DEFENDANTS' FILING (DOCKET 230) AND REQUEST FOR
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1 The State Bar argues that a Case Management Conference (CMC) is unnecessary, despite the fact
2 that:
3

- 4 a. Judicial notice rulings remain outstanding (Dockets 197 & 199).
5
6 b. Discovery has been obstructed due to procedural avoidance.
7
8 c. Plaintiff's amendment rights appear unfairly limited.

9 A CMC would streamline case progression, resolve outstanding procedural disputes, and establish
10 clear next steps. The State Bar's opposition to a CMC further demonstrates its intention to obstruct
11 rather than resolve these matters.
12

13 The refusal to engage in a CMC underscores the State Bar's strategy of avoiding judicial scrutiny
14 rather than facilitating case resolution. Plaintiff renews the request for a Case Management
15 Conference to bring structure to this litigation.
16

17
18 **E. DUE PROCESS & INSTITUTIONAL PREFERENCE**

19 The Court has an independent duty to ensure that its rulings adhere to fundamental fairness and
20 procedural due process. See *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) ('[D]ue process requires
21 an opportunity to present every available defense.'). If this Court accepts Defendants' procedural
22 gamesmanship—ignoring pending judicial notice requests and refusing to enforce case management
23 obligations—it risks affirming a system where litigants are prejudiced by virtue of institutional
24 affiliation, rather than legal merit. Such a precedent cannot stand.
25
26
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28

**PLAINTIFF'S OPPOSITION TO STATE BAR DEFENDANTS' FILING (DOCKET 230) AND REQUEST FOR
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1 Furthermore, Defendants’ chronic procedural non-compliance is not mere oversight—it is a
2 deliberate litigation strategy to obstruct Plaintiff’s access to a fair adjudication. See *Foman v. Davis*,
3 371 U.S. 178, 182 (1962) (‘[O]utright refusal to grant leave without any justifying reason... [is] an
4 abuse of discretion and inconsistent with the spirit of the federal rules.’).
5

6 Their untimely filing further compounds this pattern and should weigh against Defendants’
7 credibility before this Court.
8

9 **F. PUBLIC INTEREST IMPLICATIONS**

10 The State Bar’s ongoing failure to regulate unaccredited law schools has consequences far beyond
11 this litigation. Courts have a vested interest in ensuring that regulatory agencies uphold their
12 obligations. See *Texas Dep’t of Housing v. Inclusive Communities Project, Inc.*, 576 U.S. 519 (2015)
13 (holding that regulatory enforcement failures disproportionately impact underprivileged groups). This
14 case is not merely about procedural compliance—it is about the systemic accountability of a
15 regulatory body entrusted with protecting the public interest.
16

17 Furthermore, the Court’s failure to rule on unopposed judicial notice requests violates
18 fundamental fairness. Under *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988 (9th Cir. 2018),
19 courts are required to rule on judicial notice to ensure a full and fair adjudication. The omission of
20 Dockets 197 & 199 distorts the record, leaving Plaintiff at a procedural disadvantage.
21

22 **III. RELIEF REQUESTED**

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24
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27
28 **PLAINTIFF’S OPPOSITION TO STATE BAR DEFENDANTS’ FILING (DOCKET 230) AND REQUEST FOR
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1 The State Bar's response is procedurally deficient, legally flawed, and indicative of continued
2 avoidance.

3
4 Given the defects in the State Bar's filing, Plaintiff respectfully requests that the Court:

5
6 **A. STRIKE OR DISREGARD THE STATE BAR'S ARGUMENTS ON ELEVENTH
AMENDMENT IMMUNITY**

7 The State Bar has failed to rebut the application of *Ex parte Young* to this case.

8
9 **B. ORDER IMMEDIATE RULINGS ON JUDICIAL NOTICE MOTIONS (DOCKETS
197 & 199)**

10 The continued failure to rule on these motions prejudices Plaintiff's ability to establish critical facts.

11
12 **C. GRANT PLAINTIFF'S REQUEST FOR A CASE MANAGEMENT CONFERENCE**

13 The Court should require the parties to address outstanding procedural matters, including discovery,
14 amendment, and judicial notice.

15
16 **D. ACKNOWLEDGE THE PROCEDURAL DEFECTS IN THE STATE BAR'S FILING**

17 The untimely nature of Docket 230, combined with the mischaracterization of key issues, should
18 be taken into account in assessing the State Bar's credibility.

19
20 **E. ORDER DISCOVERY ON THE FULL EXTENT OF THE STATE BAR'S
ACCREDITATION AND REGULATORY FAILURES.**

21 Plaintiff requests that the Court reject improper factual determinations and order discovery on
22 the full extent of the State Bar's accreditation failures to assess proper application of *Ex parte*
23 *Young*. Because the State Bar disputes the extent of its regulatory failures, discovery is necessary
24 to determine whether its accreditation oversight mechanisms remain deficient. Courts have long
25 held that factual disputes cannot be resolved without a full evidentiary record. See *Bell Atl. Corp.*
26

27
28 **PLAINTIFF'S OPPOSITION TO STATE BAR DEFENDANTS' FILING (DOCKET 230) AND REQUEST FOR
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1 v. *Twombly*, 550 U.S. 544 (2007). Plaintiff requests that the Court order discovery into
2 accreditation compliance records to ensure proper application of *Ex parte Young* and prevent
3 further procedural obfuscation by Defendants.
4

5 Plaintiff appreciates the Court's attention to these matters and respectfully requests fair and
6 timely adjudication of these procedural issues.
7

8
9 Dated: March 6, 2025

10 Respectfully submitted,

11
12 
13
14

15 Todd R. G. Hill
16 Plaintiff, Pro Se
17

18 **STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**
19

20 The undersigned party certifies that this brief contains 2,290 words, which complies with the 7,000-
21 word limit of L.R. 11-6.1.

22 Respectfully submitted,

23 
24
25

26 March 6, 2025

27 Todd R.G. Hill
28

**PLAINTIFF'S OPPOSITION TO STATE BAR DEFENDANTS' FILING (DOCKET 230) AND REQUEST FOR
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1 Plaintiff, in Propria Persona
2
3

4
5 **Plaintiff's Proof of Service**

6 This section confirms that all necessary documents will be properly served pursuant to L.R. 5-
7 3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a
8 document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the
9 CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court
10 and (2) all pro se parties who have been granted leave to file documents electronically in the case
11 pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service
12 through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P.
13 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal
14 Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.
15

16
17 Respectfully submitted,
18

19 
20
21

22 March 6, 2025

23 Todd R.G. Hill

24 Plaintiff, in Propria Persona
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**PLAINTIFF'S OPPOSITION TO STATE BAR DEFENDANTS' FILING (DOCKET 230) AND REQUEST FOR
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